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June 7, 2024

VIA ECF

Honorable Brian R. Martinotti, U.S.D.J.
United States District Court
District of New Jersey
U.S. Post Office & Courthouse
2 Federal Square
Newark, NJ 07102

Re: *In re: Insulin Pricing Litigation*, No. 2:23-md-03080-BRM-RLS
MDL No. 3080 | Case Management Conference Agenda/Update

Dear Judge Martinotti:

In accordance with Paragraph 4(b) of MDL Case Management Order #1, we write on behalf of all parties to provide the following proposed agenda/status update for the case-management conference currently scheduled for 12:00 p.m. on Tuesday, June 11, 2024:

Plaintiffs' Position – Plaintiffs maintain that the Court's regular engagement with the parties at the monthly CMCs and/or discovery conferences, including in-chambers pre-conferences, has focused the parties and facilitated progress in discovery negotiations, resolution of disputed points in various orders, and most recently, accelerated the re-production of prior productions. As the parties continue to work through discovery and structural matters of importance to the broader litigation, Plaintiffs believe that the monthly CMCs significantly improve the cadence and extent of the parties' engagement and thus the progress of the case, and propose to maintain the June case management as scheduled.

Plaintiffs' Position – Defendants likewise recognize the benefits of the Court's regular engagement, but after exchanging the potential agenda topics below, do not believe that any of them necessitates an in-person conference with Your Honor—including because the discovery issues are pending before Judge Singh, while the other issues either are not ripe or are merely informational updates as to progress the parties continue to make on those discovery issues and briefing—and accordingly respectfully request that the conference be adjourned this month.

1. Status of proposed Plaintiff Fact Sheet. Today, the parties provided a joint status update to Judge Singh concerning Plaintiff Fact Sheets as to the State AG and Self-Funded Payer Tracks. That update letter is attached for the Court's reference.

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Honorable Brian R. Martinotti, U.S.D.J.

June 7, 2024—Page 2

2. Defendants' reproductions. Over the past week, all PBM Defendants and Manufacturer Defendants have reproduced documents previously produced to plaintiffs in actions now centralized in/coordinated with this MDL.
3. Motion-to-dismiss briefing. In the State AG Track, consolidated Rule 12(b)(6) briefing was filed on May 31. In the Self-Funded Payer Track, Defendants' motions to dismiss are due to be submitted on June 10, oppositions on July 25, and replies on August 15.
4. DPP Class Track. On June 5, Plaintiffs in the Direct Purchaser and TPP PBM actions submitted a proposal to consolidate these actions, eliminate the current TPP Class Track, and create a new DPP Class Track. Defendants will respond to that letter within five business days, i.e., by June 12. On June 6, Plaintiffs also sent a proposed schedule to Defendants to govern an amended complaint and motions to dismiss.

Thank you for your continuing attention to this matter.

Respectfully submitted,

/s/ James E. Cecchi

James E. Cecchi

Liaison Counsel for

Third-Party Payer Track

/s/ Joanne Cicala

Joanne Cicala

Liaison Counsel for

State Attorneys General Track

/s/ David R. Buchanan

David R. Buchanan

Liaison Counsel for

Self-Funded Payer Track

/s/ John D. Tortorella

John D. Tortorella

cc: All counsel of record